

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
ANIL MATHUR,
Defendant.

2:11-CR-312 JCM (PAL)

ORDER

Presently before the court is defendant Anil Mathur's motion seeking reconsideration of Magistrate Judge Peggy A. Leen's January 20, 2012, order.¹ (Doc. #34). The government has filed a response (doc. #35) to which Mr. Mathur has not replied.

18 Magistrate Judge Leen found that the withheld evidence did not constitute exculpatory or
19 impeachment evidence that must be disclosed pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963)
20 or *Giglio v. United States*, 405 U.S. 150 (1972). Further, Magistrate Judge Leen found that the
21 government was not required to disclose this information pursuant to Fed. R. Crim. P. 16, 26.2, or
22 the Jencks Act.

23 After conducting an *in camera* inspection of the withheld evidence, this court agrees with the
24 magistrate judge. The government is not required to disclose the withheld documents under either
25 . . .

¹ On March 27, 2012, Magistrate Judge Leen issued an amended order (doc. #57) correcting a word processing error contained in the original January 19, 2012, order.

1 *Brady* or *Giglio*, nor is such disclosure mandated pursuant to Fed. R. Crim. P. 16, 26.2, or the Jencks
2 Act.

3 Mr. Mathur’s argument to the contrary, that because the government has already disclosed
4 irrelevant information and thus cannot now withhold other irrelevant information does not persuade
5 this court. The government’s disclosure obligations are governed by (1) *Brady* and *Giglio*, which
6 require disclosure of exculpatory information, including the government’s deals with witnesses; (2)
7 Rule 16 which requires the disclosure of relevant information the government intends to use at trial;
8 (3) Rule 26.2, which requires producing a witness’s statement; and (4) the Jencks Act, which
9 requires the production of statements and reports of witnesses. None of these requirements make
10 the documents at issue discoverable. Because these documents are not discoverable, the government
11 has no duty to disclose the documents.

12 || Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Anil Mathur's
14 motion for reconsideration of Magistrate Judge Leen's January 19, 2012, order (doc. #34) be, and
15 the same hereby is, DENIED.

16 DATED April 4, 2012.

James C. Mahan
UNITED STATES DISTRICT JUDGE